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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID W. PIMENTEL,

Case No. C08-02121 EMC

Plaintiff,

vs.

COUNTY OF SONOMA, CITY OF  
PETALUMA, OFFICER McGOWAN, POLICE  
SGT. STEPHENSON, DOES 1-25,

Defendants.

**[PROPOSED] ORDER GRANTING  
DEFENDANT COUNTY OF SONOMA'S  
MOTION FOR JUDGMENT ON THE  
PLEADINGS  
[FRCP Rule 12(c)]**

Date: July 2, 2008  
Time: 10:30 a.m.  
Ctroom: C, 15th Floor

On July 2, 2008, this Court held the hearing on Defendant County of Sonoma motion for judgment on the pleadings pursuant to FRCP Rule 12(c).

Based upon the evidence and argument presented at the hearing,

IT IS HEREBY ORDERED that Defendant County of Sonoma's Motion for Judgment on the Pleadings is GRANTED. Accepting all of the material facts in the complaint as true, the County of Sonoma is entitled to judgment as a matter of law because there is no *respondeat superior* liability against public entities in claims brought pursuant to 42 U.S.C. Section 1983, and plaintiff has failed to allege an alternate basis for liability against the County of Sonoma.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Edward M. Chen  
United States Magistrate Judge